

Meeting Summary Form to Zoning Board of Adjustment (ZBA)

Manayunk Neighborhood Council
PO Box 4667
Philadelphia, PA 19127

William Bergman
Chair of the Zoning Board of Adjustment
1401 John F. Kennedy Boulevard – 11th Floor
Philadelphia, PA 19102

September 14, 2025
Appeal No **HA-2025-002818**
OPPOSED

Re: Letter to the ZBA
Appeal No **HA-2025-002818**
Meeting ID: **MI-2025-004704**
Permit # **ZP-2024-003395**
4041-65 Main St
Hearing September 17, 2025

Dear Chairman Bergman,

Having read through the applicants request for reconsideration and their submitted record we have the following comments.

- We believe there was no basis for this reconsideration and we believe the applicants new information is neither applicable nor persuasive.
- We urge the ZBA to reject the applicant's request for the elimination of the 60' proviso.

All the points raised in the request for reconsideration were covered already in testimony. In the 100+ pages of documents submitted and the hour and 40 minutes of oral testimony.

The applicant had over a year, at least eight consultants, and at least eight public hearings to hone their presentation and arguments. **When granted relief for all their refusals, but with a height a paltry 160% of the allowed, they cried foul and blamed the Board** ("Time constraints related to the docket precluded fulsome review of the following special circumstances).

The variance allows seven stories and 163 units but is not a mandate. Adjusting plans is standard practice. Fewer stories or fewer units would not be challenged.

The applicant shifts from blaming the Board to threatening. Claiming "The approved new construction project's added proviso limiting building height to 60'-0" leaves the contemplated 7-story project **unbuildable and nonviable**. An 8'9" reduction in height, per the Board's Notice of Decision in this matter, **would effectively quash the proposed development** at this location and, along with it, the prospect of adding 163 residential dwelling units along Manayunk's Main Street corridor."

We for one would accept fewer than 163 units without issue. Would 162 units be nonviable. 160? 138? (remove the top floor)?

Since it appears **the applicant has pivoted to a financial hardship argument** one could consider the following (accepting, for the sake of argument, a 100% residential development).

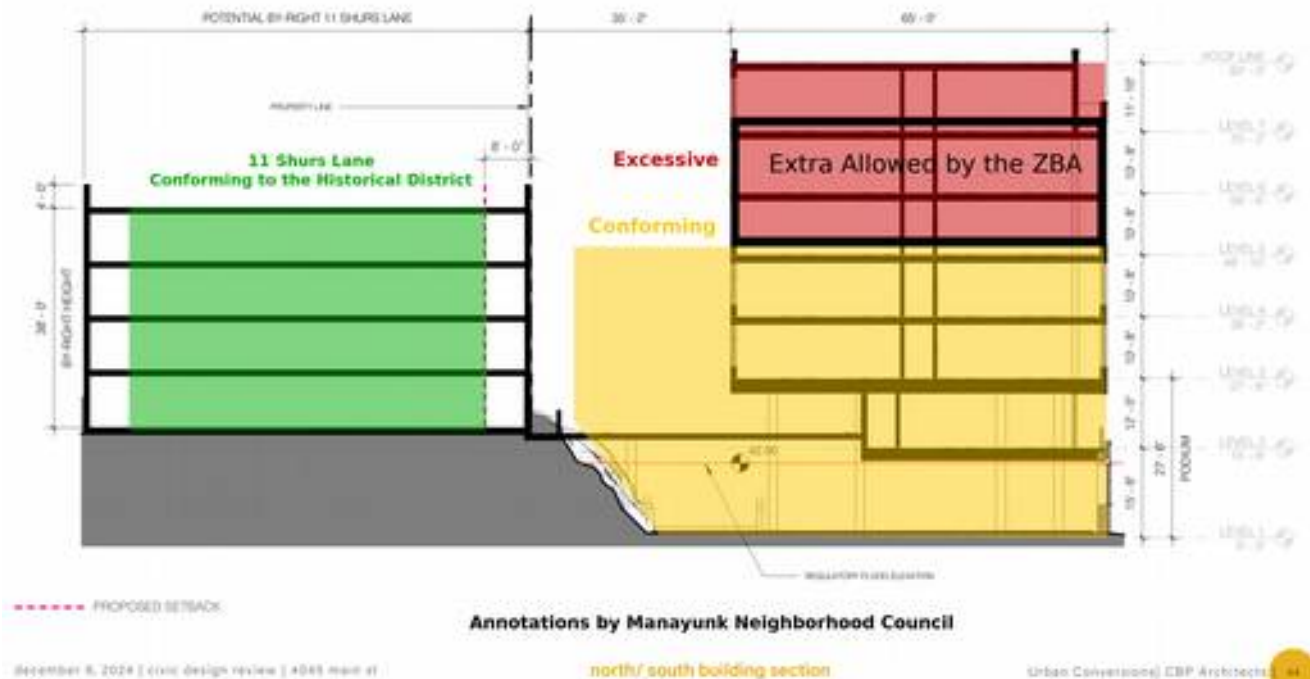
- **If the land were free** what is the minimum viable project that could be built on that site.

- **If the price were \$1m? \$2m?** Again, not seven stories and 163 units.
- **\$5m?** Maybe seven stories and 163 units.
- **What is the most a developer would pay were they required to build project conforming to the historic district height requirements.**

The applicant, of course, is not going reveal any actual financial information.

As it is, the value of the property is being assigned by the ZBA by the variances granted.

One need look no further than next door at 11 Shurs lane. The property is directly comparable to 4045-61 Main Street, although smaller in site area. The project also includes demolition of existing structures while retaining the existing stone facade on Shurs Lane, and includes 42 residential units in 3 stories over a 1st floor of parking and a small commercial space with 3 over 1 podium construction. The building fits within the height limit of 38' and received ZBA variance (from ICMX) in June 2024. By comparison, 4045 -61Main Street is allowed to be 50' high because it sits within the floodplain. However, the height of the proposed building is 82' - 30' over the height limit and over twice as high (82' versus 38') as the adjacent building.



In this reconsideration the applicant supplies new reports from JLL and ESI that reference each other and draw the conclusions. 1) **The applicant wishes to have high ceilings.** 2) **The applicant wishes to have 163 units.** 3) **With a 60' height limit you can't have both.** 4) **Fewer units means lower cost but also lower revenue.** 5) **Therefore we must have 82'.**

The ESI report does ceiling height and construction comparisons with some select center city developments while ignoring the wealth of examples on nearby Ridge Avenue and Venice Island (photos next page)

6174 Ridge, 4 over 2;
6618 Ridge, 4 over 1;
6910 Ridge, 3 over 2;

6515 Ridge, 5 over 2;
6808 Ridge, 4 over 1;
The Isle, on Venice Isl

6615 Ridge, 4 over 1;
6850 Ridge, 4 over 1;

The Isle, on Venice Island, 4 over 1.

The ESI report ignores the building being constructed next door at 11 Shurs lane which averages 9'6" floor to floor with 8'6" ceiling heights.

- Fundamentally the value of a property is
- What the owner can sell it for
- Which depends on what a buyer will pay for it.
- What a property is worth to a buyer is highly dependent on what the buyer intends to do with the property and what they are allowed to do.

The applicant appeals to **"market necessities"** to justify their demands. **Who's market, which market?** Again consider 11 Shurs lane which made none of these claims or demands. **It is, of course the applicants choice who they want to target, but they are not owed variances and exceptions to help them reach their targets.**



6174 Ridge, 4 over 2



6515 Ridge, 5 over 2 in a slope



6515 Ridge, 4 over 1



6618 Ridge, 4 over 1



6808 Ridge, 4 over 1



6850 Ridge, 4 over 1



6910 Ridge, 3 over 2



1 Cotton Street, The Isle, 4 over 1

In the request for reconsideration the applicant claimed “***Historic preservation objectives and requirements to keep new floor structures from being visible through retained historic window openings, thereby increasing the overall height of the new construction.***”

This was covered in the original ZBA testimony by the applicant's architect. This is not a new nor was it overlooked. This is neither a hardship nor a "requirement".

The Historical Commission Hardship Committee approved complete demolition of the site with no preservation.

Richard Littlewood's letter to the ZBA, shown at the March 14, 2025 ZBA hearing, states unequivocally that they (the developer) "accepted our request to keep some of the facade from our building in their design even though it was not necessary.

The de minimis nature of the preserved facade segment was criticized by the architectural committee and was subsequently slightly modified. Nevertheless it was not a requirement.

There are other architectural mitigations that can reduce the visual impact of the floor in this non-load bearing area. Among other things this could including reducing the 12' floor to floor height on the second level or reducing the generous 9'4" ceilings or 18" floor thickness.

In the request for reconsideration the applicant claimed “***Greater review of building sections, establishing that any residences at the rear of the second-floor level would create nonviable subterranean units, primarily due to topographical conditions (i.e., natural rock outcroppings), thereby necessitating raising functional, occupiable areas in the proposed new construction.***”

This argument seems to simply call out site conditions which were covered extensively in the applicants ZBA testimony. The slops and outcrop are in fact utilized and advantageous to parking and evacuation schemes.

Second level rear units would be at grade, not "subterranean" but would have a restricted view of the train viaduct or surrounding buildings. It is not unique or surprising that there are areas of a lot that are not ideal for all uses. Nor is it a hardship that the ground level, in the back, is not ideal for apartments.

These are not units they were owed or promised.

As referenced by their architect, Eric Leighton, during his testimony at the ZBA, their original plan called for an seven story building with 200 units on upper floors and 99 parking spaces on the ground floor. Including "subterranean" units.

In an effort to reach 1 to 1 parking they later replaced some of their second level units with parking, increasing parking to 162 spaces and reducing unit count to 163.

Always a seven story plan. Always 82'

The current plans call for 35 units per floor on the upper floors. One can imagine a plan utilizing 99 ground level parking spots, 25 units on the second level (avoiding the most undesirable areas) and 35 units on levels 2 and 3 for a total of 95 units. All fitting within the district height limits.

In the request for reconsideration the applicant claimed ***“Market driven data, necessitating 10-8 floor-to-floor heights in new construction projects, allowing for 9-0 minimum ceilings, as driven by current market and industry standards in both market rate and subsidized affordable projects.”***

There is nothing in the "Market" that "necessitates" 10'8" floor-to-floor heights and 9' ceilings.

The developer has "a" target market in mind and they believe that "that" market likes high ceilings.

They have presented no evidence that "every" market has the same requirements or units not meeting their ideal cannot be successful.

11 Shurs building 1' floor thickness, an average 9' 6" floor to floor distance and 8'6" ceiling heights. Apparently they didn't get the message.

You are market driven based on the market you choose. In the current financial times it might be reasonable to target a different market.

It is, of course their choice who they want to target, but **they are not owed variances and exceptions to help them reach their targets.**

In the request for reconsideration the applicant claimed ***“Site challenges necessitating that the project be built with 5 over 2 construction, which is five stories of wood framed construction over a steel or concrete podium. Other construction types would not be economically viable or practical. Code, market, and economic data shall be presented relating to the avoidance of building four stories where the code will allow five stories of wood framed construction over a two-story podium in new construction.”***

On the one hand the applicant's own consultant, Econsult Solutions, appears to argue that five over two floors of concrete to wood construction is a hardship. On page one of their report. (March 19 hearing)

"The site presents several challenges which increase costs relative to what they could be on a less difficult site. These additional costs include:
• The need for a two-story concrete podium to achieve close to a 1:1 parking ratio;

The opposite is true, as described in this 2017 article in Structural magazine (<https://www.structuremag.org/?p=10934>) which notes “Podium designs are one way to maximize the number of stories, increase unit density, and lower construction costs.”

It is simply a cost effective way to build but nothing about it (or this site) mandates 5 over 2. It can be 3 over 2, 3 over 1, etc. Any combination. Neither 5 nor 2 are a requirement or the defining element of this basic construction method. It happens that 5 over 2 is tallest currently practical application of this building technique.

We don't know what is meant by "avoidance of building four stories where the code will allow five". However the ESI report argues that 4 over 2 (six stories) is not common, in their examples, and is therefore a hardship. Offering nothing more technical than an undefined and indefinable phrase “a departure from market conditions.”

If the full 5 over 2 is "necessitated" by any site with any challenges I can see a wave of seven story houses coming to Manayunk.

Meanwhile building is going at a brisk pace on nearby Ridge Avenue, in the

Borough of Rocks (Roxborough). All within zoning and without variances, using several different combinations of podium style constructions. See the photos above.

As stated before, there is no clearer example that the ongoing project next door at 11 Shurs Lane doing what this applicant says can't be done.

Reiterating our position

- We believe there was no basis for this reconsideration and we believe the applicants new information is neither applicable nor persuasive.
- We urge the ZBA to reject the applicant's request for the elimination of the 60' proviso.

Thank you

A handwritten signature in black ink, appearing to read 'Kevin Smith', with a large, stylized loop at the end.

Kevin Smith
President, Manayunk Neighborhood Council